

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**LAFIEL M. SMITH #28906-077,**

Petitioner,

v.

**UNITED STATES OF AMERICA,**

Respondent.

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Civil Action No. **3:09-CV-0743-L**


**ORDER**

Before the court are the Findings, Conclusions and Recommendation of the United States Magistrate Judge, filed September 21, 2009. No objections were filed.

This is a habeas petition brought pursuant to 28 U.S.C. § 2241. The magistrate judge determined that the petition should be dismissed without prejudice for want of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Having reviewed the pleadings, file and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court. The court **dismisses without prejudice** Petitioner's habeas petition.

**It is so ordered** this 9th day of October, 2009.

  
Sam A. Lindsay  
United States District Judge